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Identical letters dated 19 October 2000 from the Permanent Representative of Morocco to the United Nations addressed to the Secretary-General and to the President of the Security Council

I have the honour to transmit herewith the text of a memorandum stating the position of Morocco on the question of Western Sahara (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council under the item on the question of Western Sahara.

(*Signed*) Ahmed **Snoussi**
Ambassador
Permanent Representative

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Annex to the identical letters dated 19 October 2000 from the Permanent Representative of Morocco to the United Nations addressed to the Secretary-General and to the President of the Security Council

Memorandum on the question of Western Sahara

The Kingdom of Morocco wishes to recall first of all that the Sahara is an integral part of its territory, which was recovered as part of the process of restoring Morocco's territorial integrity in conformity with international law.

As a gesture of goodwill, however, Morocco initiated the referendum process in Western Sahara to put an end to the artificial dispute that has been created over its territorial integrity.

When the United Nations assumed responsibility for organizing the referendum, the Kingdom of Morocco cooperated faithfully and unreservedly, contributed more than $150 million to the United Nations Mission for the Referendum in Western Sahara (MINURSO), and showed maximum flexibility in seeking to bring the process to a successful completion.

It should be recalled in this connection that in 1991 Morocco became the first party to accept the criteria for identification, despite their restrictive nature.

In 1993, Morocco was the first party to accept the compromise concerning the interpretation of these criteria in the hope that the process of identification of applicants could begin, while the other party refused to accept the compromise.

In 1997, Morocco accepted the Houston Agreements, which were aimed at bringing about a resumption of the process that had been blocked since 1995 by the other parties.

Lastly, Morocco in 1999 accepted the protocols relating to the identification and appeals processes so that applicants from tribal groups, an issue which the Houston Agreements had failed to resolve, could be identified. Since these protocols contained numerous provisions limiting the rights of our applicants, we informed the Secretary-General of our formal reservations to them.

For its part, the other party has created numerous obstacles since the process began with the aim of preventing the largest possible number of Saharans from participating in the referendum.

It thus refused the criteria for identification in 1991, caused a considerable delay in the implementation of the compromise by rejecting it, even though it had been designed to address that party's concerns (themselves unfounded), blocked the identification process in late 1995 by refusing to identify the tribal groups, prevented the implementation of the 1997 Houston Agreements by refusing to identify all applicants from tribal groups and, lastly, now wishes to impose a partial and selective application of the protocol relating to the appeals process.

It should be mentioned also that this same party refuses to repatriate the Saharans detained at Tindouf and refuses to release its prisoners, whom it treats as slaves, even in the opinion of the foreign delegations that visited the camps just recently.

Contrary to what some may claim, these difficulties and obstacles can in no way be reduced to only those problems that are related to the appeals process, let alone to considerations that are related merely to financial and human resources.

In the face of these complex difficulties and insurmountable obstacles and at the request of the Security Council, Morocco at the Berlin meeting contributed both to efforts to resume the implementation of the Plan — but in vain — and to the initiation of a dialogue that could lead to a political solution to the dispute.

On the first question, Morocco responded to Security Council resolution 1309 (2000) by making the following proposals:

1. The reinclusion in the voter list of some 7,000 candidates selected by the identification centres and later taken off the list following an illegal review procedure.

2. Restriction of consideration of the receivability of appeals to consideration of procedural issues without consideration of the substance.

3. Consideration of appeals by a higher authority as provided for in the settlement plan.

4. Consideration of the appeals of our candidates only by the United Nations and by the sheikhs concerned on the Moroccan side. Unfortunately, the sheikhs of the other party, whose participation is not provided for in the settlement plan, have conspicuously proved that they have violated the oath they had given by acting solely on the instructions of the other parties and are thereby disqualified.

Sheikhs who represented the POLISARIO Front at the Identification Commission and who recently returned to Morocco have given evidence on this situation and on these activities to the Fourth Committee of the General Assembly at its current session.

5. Launching of the repatriation operation in the interior of the territory and far from the frontier without conditions and without delays. Indeed, all the repatriation conditions are in place for the release from the camps of those prisoners who are unable to travel without the authorization of those responsible for military security, even between the various camps at Tindouf. Diplomats and journalists who have visited the Tindouf camps could bear witness to this. The Saharans who had managed to escape from the camps and to return to Morocco provided unequivocal testimony to the Fourth Committee at the present session as to the total lack of the most basic freedoms.

Morocco, whose late King Hassan II granted a general amnesty, undertakes to ensure all the internationally recognized safeguards.

6. The release of Moroccan prisoners held in the Tindouf camps in Algeria and a halt to the inhuman treatment to which they are being subjected.

With respect to the second part of the Security Council resolution which is concerned with efforts to find a political solution to the dispute, the Kingdom of Morocco stated its willingness in Berlin to engage in direct dialogue between the parties to seek such a solution. It even outlined what it regards as a viable political solution capable of putting an end to this dispute.

The Kingdom of Morocco is increasingly convinced that what the other parties want is a specially contrived referendum, excluding the great majority of Saharans from the referendum consultation and taking no account of the incalculable consequences that might stem from such a position, and shares the assessment of the Secretary-General with regard to the near impossibility of finding compromise solutions to the fundamental divergencies concerning the implementation of the settlement plan.

This explains, therefore, my country's readiness, as stated in Berlin, to respond positively to the request of the Security Council concerning the search for a political solution in the framework of respect for the sovereignty and territorial integrity of Morocco.

Morocco, which proposed the referendum in 1982, states its continuing readiness to participate in a dialogue to seek another solution as the only means of overcoming the stalemate which the referendum has reached as a result of ill will and bad faith.